

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

GETTY PETROLEUM MARKETING INC., *et al.*,

14-CV-10223-vsB

Reorganized Debtors.

ALFRED T. GIULIANO,
as Trustee of The Getty Petroleum Liquidating Trust,

Plaintiff,

Adversary Proceeding
No. 13-01720 (SCC)

-against-

CAMBRIDGE SECURITIES, LLC, BJORN AASEROD,
JOSEPH SCOTT KARRO, and EISENBERG & CARTON

Defendants.

CAMBRIDGE SECURITIES, LLC, BJORN AASEROD
and JOSEPH SCOTT KARRO,

Defendants, Third-Party Plaintiffs,

STIPULATION DISMISSING APPEAL WITHOUT PREJUDICE

CAMBRIDGE SECURITIES, LLC, BJORN AASEROD, JOSEPH SCOTT KARRO, defendants in the above-captioned adversary proceeding and appellants herein (the "Appellants"), by and through their counsel, The Law Offices of Avrum J. Rosen, PLLC, and ALFRED T. GIULIANO, as Trustee of THE GETTY PETROLEUM LIQUIDATING TRUST, appellee (the "Appellee"), by and through his counsel, Wilmer Cutler Pickering Hale and Dorr, LLP, hereby represents and agree as follows:

WHEREAS, the Appellant filed a Notice of Appeal [Dkt. No. 60] on November 12, 2014, of an Order dated November 5, 2014, dismissing Appellants' Counterclaims (the "Appeal"); and

WHEREAS, Appellant filed a Statement of Issues and Designation of the Record on Appeal [Dkt. No 62] on December 5, 2014; and

WHEREAS, Appellee filed a Statement of Additional Issues on Appeal and Designation of the Record on Appeal [Dkt. No. 65] on December 19, 2014, and

WHEREAS, the Bankruptcy Clerk transmitted the Record on Appeal to the District Court on December 31, 2014; and

WHEREAS, the Appellee filed a Motion to Dismiss the Appeal as being an Interlocutory Order (the "Motion") on January 9, 2015; and

WHEREAS, the Court entered a Scheduling Order and set a pre-motion conference in this Appeal; and

WHEREAS, the Appellants and the Appellee, through their respective counsel have consulted to discuss a resolution of the pending Motion and the Appeal and have come to agreement on same, it is hereby agreed as follows:

1. The Appellants and the Appellee agree that the Appeal shall be deemed an interlocutory appeal and consent to its dismissal, without prejudice, each side to bear its own costs and expenses related hereto.
2. The Appellee agrees that the issues in the Appeal may be raised and heard in any future appeal in this case, which is an appeal of the final order in this case, and shall not assert any defense of waiver of the issues raised in the Appeal, by virtue of this dismissal.

Dated: Huntington, New York
January 13, 2015

The Law Offices of Avrum J. Rosen, PLLC
Counsel for Appellants
CAMBRIDGE SECURITIES, LLC, BJORN
AASEROD, JOSEPH SCOTT KARRO

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Wilmer Cutler Pickering Hale and Dorr LLP
Counsel for ALFRED T. GIULIANO,
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PETROLEUM LIQUIDATING TRUST

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SO ORDERED:



Vernon S. Broderick ^{1/15/2015}

United States District Judge